

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**TERRY RAY BAIN and  
MARTY HIRAM ELLIS,**

**Defendants.**

**8:08CR210**

## ORDER

This matter is before the court on the Motion to Continue Trial filed by defendant, Terry Ray Bain (Doc. 112). The defendant has not filed an affidavit or declaration regarding speedy trial, as required by NECrimR 12.1 and/or 12.3. The movant has been given several extensions of time in which to file motions, the latest of which was to be established at the time of defendant Ellis' arraignment on May 26, 2009. The record shows that the pretrial motion deadline was set for June 15, 2009 at the time of Ellis' arraignment. the movant was given notice of that deadline, and the movant did not file any pretrial motions as of the June 15, 2009. The court finds that defendant Bain has not shown good cause for the continuance requested.

**IT IS ORDERED** that defendant's Motion to Continue Trial (Doc. 112) is denied. The trial of this matter remains scheduled for July 21, 2009.

Pursuant to [NECrimR 57.2](#), a party may appeal this order by filing an "Appeal of Magistrate Judge's Order" no later than **June 25, 2009**.

**DATED June 18, 2009.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**